



MEMO ENDORSED

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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December 12, 2012

Honorable Alison J. Nathan
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 615
New York, New York 10007

Re: *Braintree Laboratories, Inc. v. Cypress Pharmaceutical, Inc.*
Case No.: 12-cv-6851-AJN

Dear Judge Nathan:

We write to you on behalf of both Plaintiff Braintree Laboratories, Inc. ("Braintree") and Defendant Cypress Pharmaceutical, Inc. ("Cypress") to request adjournment and rescheduling of the Initial Pretrial Conference presently scheduled for December 21, 2012 at 11:00 AM. We are making this request because the parties are involved in active settlement negotiations which may result in resolution of the litigation. Thus, the parties believe that a one month adjournment of the Initial Pretrial Conference would allow for those talks to continue, as well as preserve the Court's time.

Pursuant to Rule 1.E of your Individual Practices, the parties provide the following information:

- (1) the original hearing date and time: **November 19, 2012 at 3:00 PM**
- (2) the number of previous requests for adjournment or extension: **One**
- (3) whether these previous requests were granted or denied: The previous adjournment was requested on **October 31, 2012** and was granted on **November 6, 2012**, resetting the Initial Pretrial Conference for **December 21, 2012 at 11:00 AM**.
- (4) whether the adversary consents: **Yes**
- (5) three alternative conference dates: **January 18, 2013 and January 25, 2013**. Due to scheduling issues on the remaining Fridays in January, the parties propose two alternative dates in January 2013 for rescheduling of the Initial Pretrial Conference. The parties respectfully request that any conference on Fridays be scheduled in the morning.

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O. Franklin Rothwell (10/28/2011)

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trademark and copyright
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Respectfully submitted,



Steven Lieberman

cc: All counsel of record

SO ORDERED:

Dated: Dec 19, 2012



Honorable Alison J. Nathan
Judge, United States District Court
for the Southern District of New York

CONFERENCE
ADJOURNED TO
1/8/13 AT 9:45 AM